

10 Frequently Asked Questions about the Lower Back River Neck Charrette

1. Why are we doing this? Why don't we just keep using our current zoning?

In a nutshell the RC-5 Zoning that was placed on the Lower Back River Neck communities is applied County-wide and does not fit the area. The RC-5 Zone has a 1 ½ acre minimum size, and has 50 foot rear, and side yard setbacks. The required front yard setback is 75 feet. Over the years as new homes have been built in the community virtually all of these have required variances. In addition, over the years the community has raised concern over the size and scale of these new homes. What is broken about the current situation is that the zoning doesn't fit, variances are required, which has then lead in many cases to lengthy approvals that have created animosity amongst neighbors and inconsistent responses from the County.

2. What is a Form-Based Code (FBC)?

A Form-Based Code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a particular/specific type of “place”. While conventional zoning strictly controls land-use, it is usually tied to abstract regulatory statistics which can result in very different physical environments. The base principal of form-based coding is that *design is more important than use*. Simple and clear graphic prescriptions for *height, siting, and building elements* are used to control future development. Land-use is not ignored, but regulated using broad parameters that can respond to market economics, while also prohibiting socially or environmentally undesirable uses.

3. Will the new Form-Based Code create more bureaucratic red tape?

No, the Form-Based Code will actually streamline the development review process because it provides clear parameters, which were created with input and guidance of local citizens, within which new development can – or cannot -- occur. The codes will become *easier* to understand.

4. Does form-based approach allow for amendments/variances/exceptions?

Yes, however, development within the parameters of the Form-Based Code will be preferred. The threshold/standard for variances and exceptions will be high, with the burden on the developer to prove that the alternative proposal meets the intent of the Code that was created by local citizens.

5. When will the new Code take effect?

The drafting of a new Form-Based Code is just getting underway and will be framed directly by the citizen input gathered at the September charrette (September 11-15, 2008). The first thing that the community will have to decide is whether to make these new standards mandatory or advisory. If the community chooses the mandatory approach then the regulations will have to be presented back to the community after the charrette, then presented to the Planning Board for review and then the County Council for final adoption. So the adoption process is lengthy (at least 6 more months) and involves a lot more community input (required public hearings). If the regulations are advisory, then the County Planning Staff will try to get builders to comply on a voluntary basis as permits are submitted. In the end however, if the community decides that the results are not to their liking then a final product will not be presented to the Planning Board or County Council.

6. What is the study area?

A detailed map is available online at www.baltimorecountymd.gov/go/lbrn. The study area is loosely confined to the waterfront neighborhoods of Cedar Beach, Holly Neck, Barrison Point, Evergreen Park, Wildwood Beach, and Riverside.

7. Is the County planning to take my land/house/property/business?

The county has no plans to condemn property under this change in zoning regulations.

8. Will this new Code reduce my property development rights/potential?

The expectation is that development potential for most properties in the LBRN Area will not significantly change under the Form-Based Code. However, the form in which development can occur is expected to be more clearly defined – and more friendly to the LBRN vision.

9. Will I have to change my building/business, etc?

No. All existing buildings and businesses will be “grandfathered in” under the new Form-Based Code. The new regulations will only take effect if an individual owner chooses to make significant changes or redevelop.

10. Is this project being initiated by the County to encourage more growth or development on the Lower Back River Neck Peninsula?

This process is not about allowing more development within the area. The County is supporting the preservation of the interior of the area, and in fact this area has the largest number of preserved acres within the whole Coastal Rural Legacy Area which extends up to Oliver Beach and the Gunpowder River. No density is being added nor will any new zoning density be proposed. In fact, if the process works as anticipated it will serve to hold existing development and growth.